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REMARKS

Claims 21 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Next, claims 13-16 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Stevens '365 in view of Jahns et al. '088. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Examiner argues that Stevens '365 discloses a fork lift truck comprising a truck body (10); a lift mechanism (128) connected to the truck body by means of a vertically extending pivot (81) and means for turning the lift mechanism (22) relative to the truck body; the truck body having a pair of rear ground engaging wheels (20) mounted on a transverse axes, the lifting mechanism having a single ground engaging front wheel (162) mounted centrally on a transverse axis. the lifting mechanism may be pivoted to the truck body at a steering angle of substantially 90 degrees or more (FIG. 1), the front wheel is positioned forwardly of the pivoted connection between the truck body and the lifting mechanism and is positioned as far forward as possible towards the load bearing part of the lift mechanism.

As taught by Stevens '365 and in contrast to the Examiner's arguments, the front wheel (162), attached to the lift mechanism (128), is a castor wheel which is freely pivotal about a vertical axis (see column 4, lines 26 to 30). As such, the wheel (162) will take up any orientation corresponding to the direction of movement of the truck (10) and the lift mechanism (128), which can be moved independently of the movement of the truck (10) by means of arm (30).

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As a consequence, pivoting of the lift mechanism (128) about vertical pivot (81) cannot be used to steer the truck (10), as with the presently claimed invention. To the contrary, Stevens '365 discloses (column 2, lines 38 to 41) that the rear wheels (20, 20') are adapted to be steered by the operator through steering wheel (22).

As a consequence, when the rear wheels (20, 20') of Stevens '365 drive the truck (10) straight ahead, if the lift mechanism (128) were to be pivoted at 90 degrees to the direction of straight ahead movement of the truck (10), the wheel (162) would merely pivot relative to the lift mechanism (128), about its vertical pivot, and remain aligned in the direction of the straight ahead movement of the truck (10) and would have no influence on the direction of movement of the truck (10), that is it would not steer the truck (10).

Even if the wheel (162) of Stevens '365 was fixed relative to the lift mechanism (128) about the vertical axis, pivoting of the lift mechanism (128) would have little effect on the steering of the truck (10), which would be controlled primarily by the alignment of the front and rear wheels (16, 16', 20, 20') mounted on the truck body (12).

As described in Stevens '365 (column 4, lines 72-75) the castor (160) merely supports the upright (60) which raises and lowers the lift mechanism (128). The castor (160) has no capabilities to steer the truck (10), or the lift mechanism (128) for that matter.

According to independent claim 13 of the present application, the truck (10) is steered by turning the lift mechanism (14) relative to the truck body (12) about said pivot (52). That is, the single front wheel (40) provides steering for the truck (10), while the rear wheels (16) are non-steerable and are fixedly mounted on a transverse axes. Claim 13 recites "means (24) for turning the lift mechanism (14) relative to the truck body (12) about said pivot (52) to steer the fork lift truck (10)." It is respectfully submitted that the applied prior art fails to in any way teach, suggest, disclose or hint at the presently claimed invention.

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Next, the Examiner relies on Jahns '088 to teach an independent drive means for the front wheel. The Jahns et al. '088, patent relates to a motorized pedestrian-controlled lift truck, of the type disclosed in United States Patent No. 2,592,091, which was cited against Jahns et al. '088. Contrary to the Examiner's arguments, the wheel (W) of this lift truck is located at the rear of the lift truck, a pair of roller assemblies (no reference numeral) being provided at the forward ends of the load arms (7), (see rollers 11 of the lift truck disclosed in United States Patent No. 2,592,091).

Moreover, none of the wheels of Jahns et al. '088 are mechanically steerable, the lift truck being maneuvered manually by the operator. It is respectfully submitted that it would not be obvious to address this patent, when considering how to improve the maneuverability of the lift truck disclosed in Stevens '365. Moreover, Jahns et al. '088 was not filed until after the priority date of the present application, although it does claim priority in Germany, earlier than the priority date of the present application.

The object of the presently claimed invention is to improve the steerability of the truck, by driving the front wheel independently, so that when turned at angles approaching 90 degrees, the front wheel will not slide sideways under the tractive force applied by drive to the rear wheels. Neither Stevens '365 and Jahns et al. '088 alone, or in combination with one another, in any way teach, suggest, disclose or hint at the limitation found presently pending independent claim 13 which recites a fork lift truck comprises a means (24) for turning the lift mechanism (14) relative to the truck body (12) about said pivot (52) to steer the truck (10), as presently claimed.

In view of the above comments, the Applicant submits that claims 13 to 16 of the present application are clearly distinguished from and inventive over Stevens '365 and Jahns et al. '088 alone, or in combination with one another. As such, the raised rejection in view of the applied art should be withdrawn at this time.

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Claims 17, 18, 20 and 22-24 are then rejected, under 35 U.S.C. § 103(a), as being unpatentable over Stevens '365 in view of Jahns et al. '088 as applied to claim 13 and further in view of Brown '416. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

With regard to the objection to claims 17, 18, 20 and 22-24, while Brown '416 arguably discloses independent drive means for the rear wheels of a fork lift truck, the Applicant believes that the rejected claims are clearly distinguished from and inventive over the combination of Stevens '365, Jahns et al. '088 and Brown '416, for the reasons given above. That is, the combination of Brown '416 with Stevens '365 and Jahns et al. '088 still fails to cure the above noted deficiencies of the base reference of Stevens '365 in combination with Jahns et al. '088.

Lastly, claim 19 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Stevens '365 in view of Jahns et al. '088 and Brown '416 as applied to claim 17 and further in view of Harty '572. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

With regard to the objection to claim 19 on the basis of Stevens '365, Jahns et al. '088 and Brown '416 and Harty '572, the Applicant believes that claim 19 is distinguished from the combination for at least the reasons given above. Notwithstanding the above, claim 19 is amended to clearly distinguish over Harty '572 in that drive to the inside rear wheel (17) of Harty '572 will be diverted to the outside rear wheel (17) only by the differential unit (15). In view of the forgoing, it is respectfully submitted that all of the raised rejections, in view of the applied art, should be withdrawn at this time.

In order to emphasize further the above noted distinctions between the presently claimed invention and the applied art, new independent claim 25 is entered and this claim recites the features of a "fork lift truck (10) having only three ground engaging wheels...the truck body (12) having steering controls (24) for turning the lift mechanism (14), relative to the

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truck body (12) about the pivot (52), and steering the fork lift truck (10) during operation of the fork lift truck (10), the truck body (12) having only a pair of rear ground engaging wheels (16) and the lifting mechanism (14) having only a single front ground engaging wheel (40), the vertically extending pivot (52) being located between the pair of rear ground engaging wheels (16) and single front ground engaging wheel (40), and the single front ground engaging wheel (40) being driven by an independent drive (44, 46)". (Emphasis added.) New independent claim 26 recites similar limitations but specifically recites that "the vertically extending pivot (52) being located between the steering controls (24) and the lift mechanism (14)". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In view of the amendments submitted and the above comments, the Applicant respectfully request that the Examiner reconsider his objections to the claims of this application and trust that this application can now proceed to acceptance.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Stevens '365, Jahns et al. '088, Brown '416, and/or Harty '572 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to

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enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com